

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BOBBY FIZER,

Plaintiff,

Case No. 18-cv-12485
Hon. Matthew F. Leitman

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**ORDER (1) GRANTING DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT (ECF #21) AND (2) DENYING PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT (ECF #19)**

In this action, Plaintiff Bobby Fizer challenges the denial of his application for disability insurance benefits. (*See* Compl., ECF No. 1.) Fizer and Defendant Commissioner of Social Security have now filed cross-motions for summary judgment. (*See* Motions, ECF No. 19; ECF No. 21.)

On August 7, 2019, the assigned Magistrate Judge issued a Report and Recommendation in which she recommended that the Court grant the Commissioner's motion and deny Fizer's motion (the "R&R"). (*See* R&R, ECF No. 22.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of her recommendation, they needed to file specific objections with the Court within fourteen days. (*See* ECF No. 22, PgID.366-367.)

Fizer has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Fizer has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommendation to grant the Commissioner's Motion for Summary Judgment and deny Fizer's Motion for Summary Judgment is **ADOPTED**.

IT IS FURTHER ORDERED that (1) the Commissioner's Motion for Summary Judgment (ECF #21) is **GRANTED** and (2) Fizer's Motion for Summary Judgment (ECF #19) is **DENIED**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: September 5, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 5, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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